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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.														
10/753,090	01/06/2004	Henry C. Yuen	51778/PYI/G207	2736														
7590 Alexander Shvarts Fish & Neave 1251 Avenue of the Americans New York, NY 10020-1105		10/04/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">GRAHAM, PAUL J</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2623</td><td></td></tr><tr><td colspan="2"><table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>10/04/2007</td><td>PAPER</td></tr></table></td></tr></table>		EXAMINER		GRAHAM, PAUL J		ART UNIT	PAPER NUMBER	2623		<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>10/04/2007</td><td>PAPER</td></tr></table>		MAIL DATE	DELIVERY MODE	10/04/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/753,090

Applicant(s)

YUEN ET AL.

Examiner

Paul J. Graham

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/23/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/6/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/23/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references listed on the Information Disclosure statement filed 2/23/2005 have been considered by examiner (see attached PTO-1449).

### ***Specification***

2. The disclosure is objected to because of the following informalities: The claims section should begin with the phrase "I/We claim: ..." or something similar.  
Appropriate correction is required.

### ***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) is required in this application because Figure 1 has hand-drawn elements to it. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2 - 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Strubbe et al. (US 5 047 867).

As to claim 2, Stubbe discloses a system for displaying a video clip for a television program upon viewer selection of a corresponding television program listing from a television program guide displayed on a display screen, comprising (see Strubbe, col. 3, l. 30-col. 5, l. 40):

means for displaying the television program guide on the display screen (see Strubbe, col. 3, ll. 24-45 and col. 4, ll. 5-11, and figs 10-12, 14);

means for allowing a viewer to select a television program listing from the television program guide (see Strubbe, col. 4, ll. 39-46 and col. 7, l. 63-col. 8, l. 7);

and means for displaying a video clip corresponding to the selected television program listing on the display screen upon selection of the television program listing from the television program guide (see Strubbe, col. 5, ll. 30-36 and col. 6, ll. 45-50).

As to claim 3, Stubbe discloses the system of claim 2 further comprising means for displaying a written description corresponding to the selected television program listing (see figs. 6 and col. 5, ll. 20-33).

As to claim 4, Stubbe discloses the system of claim 2 further comprising means for sequencing through time slots in the television program guide (see figs. 8 and col. 6, ll. 25-37).

As to claim 5, Stubbe discloses the system of claim 2 wherein the means for allowing a user to select a television program listing from the television program guide comprises means for allowing the user to position an on-screen cursor on the television program listing (see Strubbe, figs. 6 and col. 5, ll. 40-47, toggling segment highlighted is "cursor" action).

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As to claim 6, Stubbe discloses the system of claim 2 further comprising means for retrieving the video clip corresponding to the selected television program listing upon selection of the television program listing from the television program guide (see Stubbe, col. 5, ll. 30-36 and col. 6, ll. 42-49 and fig. 3, PIP button on remote, fig. 6 PIP on screen).

As to claim 7, Stubbe discloses the system of claim 2 wherein the means for displaying the television program guide comprises means for displaying the television program guide comprising a plurality of television program listings (see figs. 6 and col. 4, ll. 1-47).

As to claims 8-13, claims 8-13 recites a method but are otherwise similar to claims 2-7, respectively, therefore, claims 8-13 are analyzed similarly to claims 2-7, respectively (see above).

6. Claims 2 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ullrich et al. (US 5 583 937).

As to claim 2, Ullrich discloses a system for displaying a video clip for a television program upon viewer selection of a corresponding television program listing from a television program guide displayed on a display screen, comprising (see Ullrich, fig. 1):

means for displaying the television program guide on the display screen (see Ullrich, fig. 1, within 36 is a TV, col. 5 ll. 4-9);

means for allowing a viewer to select a television program listing from the television program guide (see Ullrich, figs. 3 and 4, and col. 6, ll. 23-30);

and means for displaying a video clip corresponding to the selected television program listing on the display screen upon selection of the television program listing from the television program guide (see Ullrich, figs. 3 and 4, and col. 6, ll. 23-30).

As to claim 8, claim 8 is similar to claim 2 and therefore analyzed like claim 2 (see claim 2, Ullrich above).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullrich et al. (US 5 583 937) in view of obviousness.

As to claim 3, Ullrich discloses the system of claim 2 further comprising means for displaying a written description corresponding to the selected television program listing.

Ullrich does not explicitly teach a written description; however in view of the fact that the character generator can be used to generate any textual information and that the menu is displayed to inform the viewer,

it therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made to give a brief description of the programming thereby giving the viewer a better indication of what the programming is, in order to encourage selection of the promotional video.

As to claim 9, claim 9 is similar to claim 3 and therefore is analyzed similarly (see Ullrich, clm 3 above).

As to claim 4, Ullrich discloses the system of claim 2 further comprising means for sequencing through time slots in the television program guide (see Ullrich, col. 5, ll. 4-8 and col. 6, ll. 27-31 for menu of available programs (channels) and show times and the ordering allows choice of different programs, hence sequencing through time to preview programs is available).

As to claim 10, claim 10 is similar to claim 4 and therefore is analyzed similarly (see Ullrich, clm 4 above).

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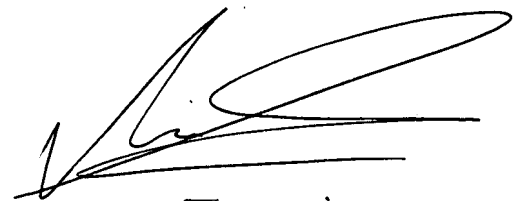
***Inquiries***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

pjg  
9/20/2007



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